

AMENDED

Serial No. 57082

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

MAY 29 1996

Date of filing in State Engineer's Office - JAN 15 1992 - NEW PRIORITY DATE: MAR 29 1995Returned to applicant for correction JAN 29 1992Corrected application filed FEB 18 1992 Map filed FEB 18 1992 under 01368The applicant D-4 EnterprisesStar Route Box 80 of Alamo

Street and No. or P.O. Box No.

City or Town

Nevada 89001

State and Zip Code No.

hereby make S application for permission to change the
place of use and to correct the point of Diversion.

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Proof of Appropriation Of Water For Stock

Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

Watering Purposes Number 01368

Identify right in Decree.

1. The source of water is Rock Spring
Name of stream, lake, underground spring or other source.2. The amount of water to be changed 0.0023 c.f.s.
Second foot, acre foot. One second foot equals 448.83 gallons per minute.3. The water to be used for 75 head of cattle
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.4. The water heretofore permitted for 75 head of cattle
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.5. The water is to be diverted at the following point NE 1/4 NW 1/4 Sec. 29 T. 6S., R. 56E. from
which the NE corner of section 26 T. 6S., R. 56E., M.D.B.&M. bears N. 88°10'E. 19100 ft. scaled from U.S.G.S.
Describe as being within a 40-acre subdivision of public survey and by course and
distance to a section corner. If on unsurveyed land, it should be stated.7.5 min. quadrangle map in unsurveyed territory.6. The existing permitted point of diversion is located within "N. 45°W. 6 1/2 miles from the S.E.
corner of T. 5S., R. 55E., M.D.B.&M. as marked on the Ruby Valley Meridian"
(as recorded)7. Proposed place of use Sec. 31 thru 36 T. 5S., R. 56E.; T. 6S., R. 56E., all;
T. 7S., R. 56E., 1 thru 6, 9
thru 16, 21 thru 28, & 33 thru 36; T. 5S., R. 57E., 31 thru 36; T. 6S.,
R. 57E., all; T. 7S., R. 57E., all; T. 7S., R. 58E., all. ---in M.D.B.&M.
Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.8. Existing place of use in NE 1/4 NW 1/4 Sec. 29 T. 6S., R. 56E. from which the NE
corner of section 26 T. 6S., R. 56E., M.D.B.&M. bears N. 88°10'E. 19,100
ft. scaled from U.S.G.S. 7.5 min. Quadrangle map in unsurveyed territory.
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
manner of use of irrigation permit, describe acreage to be removed from irrigation.9. Use will be from January 1 to December 31 of each year.
Month and Day Month and Day10. Use was permitted from January 1 to December 31 of each year.
Month and Day Month and Day11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) see attached listing
State manner in which water is to be diverted, i.e. diversion structure.

ditches, pipes and flumes, or drilled well, etc.

12. Estimated cost of works \$290,00013. Estimated time required to construct works 5 years

14. Estimated time required to complete the application of water to beneficial use 5 years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use: Water from Rock spring is to be co-mingled with water from Quail Spring Proof 01373. Correction for Point of Diversion necessary because of existing records this point as quoted under (6.) above but actually scaled on U.S.G.S. map as N.21°50'W. 17,600 ft. to the top of mt. Baldy.

By s/ Lenard D Smith Agent
P.O. Box 443
Caliente, Nevada 89008

Compared jv/nsr ap/sc

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of waters of Rock Springs as heretofore granted under Claim No. 01368 is issued subject to the terms and conditions imposed in said Claim No. 01368, and with the understanding that no other rights on the source will be affected by the change proposed herein. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the period of use and the average number of livestock served from the waters of this source. The state retains the right to regulate the use of the water herein granted at any and all times but does not take responsibility for the use of the Federal range.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

This permit is subject to the condition that the permittee must ensure that wildlife which have customarily used such water will have access thereto, NRS 533.367.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0023 cubic feet per second, or sufficient to water 75 head of cattle.

Work must be prosecuted with reasonable diligence and be completed on or before December 22, 1994

Proof of completion of work shall be filed before January 22, 1995

Application of water to beneficial use shall be made on or before December 22, 1997

Proof of the application of water to beneficial use shall be filed on or before January 22, 1998

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed JAN 29 1997

Proof of beneficial use filed FEB 24 1997

Cultural map filed _____

Certificate No. 14625 Issued JUL 03 1997

~~CANCELLED~~ MAR 20 1995 BECAUSE OF FAILURE

~~OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT~~

Richard D. Turnipseed P.E. STATE ENGINEER

Can. Rescinded 4-19-95

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
 State Engineer of Nevada, have hereto set my hand and the seal of my

office, this 22nd day of December

A.D. 19 97

Richard D. Turnipseed P.E. State Engineer

~~CANCELLED~~ NOV 15 1996 BECAUSE OF FAILURE
~~OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT~~

Can. Rescinded 1-24-97

11. Description of proposed works (under the APPLICATION FOR PERMISSION TO CHANGE
THE PLACE OF USE AND TO CORRECT THE POINT OF DIVERSION UNDER PROOF OF APPROPRIATION
NUMBERS 01368 and 01373)

DESCRIPTION OF WORKS	EXISTING	PROPOSED	LOCATION
Quail Spring: Steel spring box 6' X 18'	X		SW $\frac{1}{4}$ Sec. 9, T.6S., R.56E.
Rock Spring: Concrete spring box	X		NW $\frac{1}{4}$ Sec. 29, T.6S., R.56E.
Quail Spring pond - 0.08 ac. ft. capacity Pipeline, 340 ft. of 1 inch.	X	X	SE $\frac{1}{4}$ Sec. 9, T.6S., R.56E.
Wild Cow Pond - 0.10 /Capacity	X		SE $\frac{1}{4}$ Sec 2, T6 S., R.56E.
" " " pipeline, 1 $\frac{1}{2}$ inch x 9,900 ft.	X	X	Sec.1,11,2 T.6S.,R.56E.
" " " pipeline, 1 inch x 4200 ft.	X		Sec. 9 & 10 T.6S.,R.56E.
" " " pipeline replacement, 2" X 4200 ft.		X	" " " " " " " "
Quail Trough - 2 ft. X 8 ft. (750 gallons pipeline, 1 $\frac{1}{4}$ " X 9,300 ft.	X	X	NE $\frac{1}{4}$ Sec. 7, T.6S., R.57E.
Halfway Trough - 2' X 8', 750 Gallons " " pipeline 2" X 7400 ft.	X	X	Sec. 2,1 & 12, T.6S., R.56E. and Sec. 7, T.6S., R.57E.
Trotter Trough, 2' X 12' - 1300 gallons " " pipeline, 2" X 7000 ft.	X	X	SE $\frac{1}{4}$ Sec. 15, T.6S., R.56E. Sec. 10 & 15, T.6S., R.56E.
Rock Spring Pond - 0.10 Ac. ft. capy. " " pipeline 1" X 400 ft.	X	X	NE $\frac{1}{4}$ Sec 22, T.6S., R.56S. " " Sec. 29, T.6S., R.56E.
Corral Trough 2' X 8', 750 gallons " " pipeline, 1 $\frac{1}{4}$ & 1" X 7800 ft.	X	X	NE $\frac{1}{4}$ Sec. 28, T.6S., R.56E. Sec. 28 & 29 T.6S., R.56E.
Pipeline to confluence fm Corral Trough 1" X 6,800 ft.	X		Sec. 26,27 & 28 T.6S., R.56E.
Mouth-of-Canyon Trough, 2' X 8' - 750 gallons " " " pipeline 1" X 12,200 ft.	X	X	NW $\frac{1}{4}$ Sec. 30, T.6S., R.57E. Sec.23,25,26 T.6S., R.56E.
" " " " Pipeline 1 $\frac{1}{2}$ X 12,200 ft. replace	X	X	& Sec. 30 T.6S., R.57E.
First Water Trough, 2' X 8', 750 gallons " " " pipeline 1" X 12,800 ft.	X	X	NE $\frac{1}{4}$ Sec. 28 T.6S., R.57E. Sec.28,29,30 T.6S., R.57E.
" " " pipeline replacement 1 $\frac{1}{4}$ " X 12,800'	X	X	" " " " " " " "
HQ Tank (2 tanks - 22,000 gallons (8'X27 & 8'X32'))	X		NW $\frac{1}{4}$ Sec 25 T.6S., R.57E.
" " Trough - 2' X 8', 750 gallons	X		" " " " " "
" " pipeline, 1" X 15,000 ft.	X		Sec.25 thru 30, T.6S., R.57E.
" " " pipeline 1 $\frac{1}{4}$ " X 13,000 Ft. replacement	X	X	" " " " " "



11. Description of proposed works - continued (for 01368 and 01373)

DESCRIPTION OF WORKS	EXISTING	PROPOSED	LOCATION
Blackbrush Trough - 2' X 8', 750 gallons		X	SW $\frac{1}{4}$ Sec. 2, T.7S., R.56E.
Confluence & south to Blackbrush trough pipeline 2" X 7,400', 1 $\frac{1}{2}$ " X 6300 ft.		X	Sec. 26, 27 & 35, T.6S., R.56E. & Sec. 2, T.7S., R.56E.
51 Tank, 8' X 32', 12,000 gallons	X		NE $\frac{1}{4}$ Sec. 22, T.7S., R.56 E.
51 Trough - 2' X 8', 750 gallons	X		" " " " "
51 Tank pipeline 1 $\frac{1}{2}$ " X 15,500 ft.		X	Sec. 2, 11, 14, 15 & 22 T7S, R56E.
West Bench Tank - 8' X 22', 8,000 gallons, Trough 2' X 8' 750 gal " " pipeline 1 $\frac{1}{2}$ " X 23000 ft.		X	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8 T.7S., R.57E. Sec. 35 T.6S., R.56E., Sec. 1, 2 & 12 T.7S., R.56E., Sec. 7 & 8 T. 7S., R.57E.
Main Wash Tank - 8' X 22' - 8,000 gallons	X		SW $\frac{1}{4}$ Sec. 12, T.7S., R.57E.
Main Wash Trough 8' X 2' - 750 gallons	X		" " " " "
" " pipeline 1 $\frac{1}{2}$ " X 20,800'		X	Sec. 8 thru 12 T.7S., R.57E.
Midway Tank - 8' X 27' - 10,000 gallons	X		NW $\frac{1}{4}$ Sec. 30 T.7S., R.58E.
" Trough 2' X 8', 750 gallons	X		" " " " "
" Tank pipeline - 1 $\frac{1}{2}$ " X 13000 ft.		X	Sec. 12, 13 & 24 T.7S., R.57E. & Sec. 19 & 30, T.7S., R.58E.
Grassy Tank - 8' X 28', 10,000 gallons	X		SW $\frac{1}{4}$ Sec. 28 T.7S., R.58E.
" Trough 2' X 8' - 750 gallons	X		" " " " "
" Tank pipeline - 1 $\frac{1}{2}$ " X 11000 ft.		X	Sec. 28, 29 & 30 T7S., R.58E.
Southend Tank - 8' X 28' - 10,000 gallons	X		NW $\frac{1}{4}$ Sec. 35 T.7S., R.58E.
" Trough - 2' X 8', 750 gallons	X		" " " " "
Southend Tank pipeline - 1 $\frac{1}{2}$ " X 10,700 ft.		X	Sec. 28, 33, 34, & 35 T.7S., R. 58 E., M.D.B. & M.

